

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANIBAL RODRIGUEZ, et al.,
Plaintiffs,
v.
GOOGLE LLC,
Defendant.

Case No. [20-cv-04688-RS](#) (AGT)

DISCOVERY ORDER

Re: Dkt. No. 263

With one exception, Google need not answer the discovery requests in dispute.

A. Need Not Answer

1. Fourteen of the disputed requests (RFAs 27–31, 39–43, 45, 48, 51, ROG 22) seek discovery about “WAA-Off Data,” a term plaintiffs define as data generated by a user’s use of apps “that employ or embed *any* Google service.” Dkt. 287-2 at 4; Dkt. 287-3 at 4 (emphasis added). Only a handful of Google services are at issue, so the term “WAA-Off Data” is overbroad. The Court won’t require Google to respond to requests using this term.

2. Five of the disputed requests (RFAs 39, 41–43, 51) seek discovery about Google Search, YouTube, Gmail, Google Maps, or Google Chrome. *See* Dkt. 287-2 at 8. Because these products and services aren’t at issue, the Court won’t require Google to respond to these requests.

3. Three disputed requests (RFAs 33 and 52, ROG 24) ask Google whether “Non-Google Apps” would continue working in certain scenarios. Dkt. 287-2 at 6–7, 9; Dkt. 287-3 at 8. To answer, Google would need to speculate about the workings of Non-Google Apps, which the Court won’t require Google to do.

4. RFA 8 asks Google to admit or deny that “Google has been earning advertising revenues using browsing history data Google collects from users’ interactions with apps that use Google’s Firebase SDK while those users have Web & App Activity turned off.” Dkt. 287-1 at 7. The term

1 “browsing history data” is undefined, and Google maintains that it’s a confusing term. *See* Dkt. 263
2 at 6 (“[T]his case is not about browsing data, it’s about third-party apps on mobile devices. The
3 parties have never referred to any data in this case as ‘browsing data’”). Plaintiffs haven’t
4 attempted to clarify the term’s meaning or scope, so the Court won’t require Google to respond.

5 B. Need To Answer

6 1. ROG 23 asks Google to “describe the types of data that Google received or currently
7 receives by way of the Google Mobile Ads SDK,” dkt. 287-3 at 7, a code plaintiffs believe Google
8 uses to collect data for AdMob, *see* dkt. 263 at 4. Google asserts that Google Mobile Ads SDK
9 “doesn’t collect app-usage data,” dkt. 263 at 6; but if that’s true, Google must say so in response to
10 ROG 23. Google can’t simply avoid answering the ROG.

11 Google must amend its response to ROG 23 by February 10, 2023.

12 **IT IS SO ORDERED.**

13 Dated: February 3, 2023



14
15
16 ALEX G. TSE
United States Magistrate Judge
17
18
19
20
21
22
23
24
25
26
27
28